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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Southwestern Bell Telephone Company
Tariff F.C.C. No. 73

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CC Docket No. 97-158
Transmittal No. 2633

MCI OPPOSITION TO APPLICATION FOR REVIEW

MCI Telecommunications Corporation (MCI), pursuant to Section 1.115 of the Commission's rules, hereby submits its opposition to the Application for Review filed by Southwestern Bell Telephone Company (SWBT) on August 13, 1997, in the above-captioned docket. SWBT has failed to demonstrate any basis for overturning the Bureau's decision to deny SWBT's request for waiver of the Commission's rules.

In its Transmittal No. 2633, SWBT requested a waiver of any Commission rules or policies "should the Commission determine that a waiver is necessary. . . ."¹ In the Designation Order in the above-captioned docket, the Bureau denied this waiver request, concluding that SWBT's waiver request had failed to comply with established standards for waiver requests.² The Bureau found that SWBT had failed to identify the particular

¹SWBT Tariff F.C.C. No. 73, Transmittal No. 2633, D&J at 3 n.5.

²Designation Order at ¶14.

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rules from which it sought relief and had made no specific showing in its request as to how it met the legal standards for grant of a waiver.³

SWBT contends that the Bureau's denial of its waiver request is premature.⁴ It argues that "since even the Bureau is unsure as to which rules might affect SWBT's RFP tariff filing, it is entirely inappropriate to reject SWBT's request for waiver on the sole ground that SWBT has not identified each of the particular rules from which it seeks relief."⁵ SWBT mischaracterizes the Bureau's decision. The Bureau did not, as SWBT asserts, deny SWBT's waiver request for the sole reason that SWBT had failed to identify the particular rules from which it sought relief. To the contrary, the Bureau rejected SWBT's request because it failed to satisfy any of the standards that apply to waiver requests. In particular, the Bureau found that SWBT did not even attempt to show special circumstances justifying a waiver or specify how the waiver would be limited to meet such circumstances.⁶ Because SWBT failed to enumerate the special circumstances that it believed warranted waiver of the Commission's rules and orders, the Bureau's decision to deny the request was fully consistent with Northeast Cellular

³Id.

⁴AFR at 2.

⁵AFR at 3.

⁶Designation Order at ¶14.

Telephone Co.⁷ and therefore consistent with "statute, regulation, case precedent, and Commission policy."⁸

SWBT has failed to identify Bureau error that would warrant vacating that portion of the Designation Order that rejects SWBT's waiver request. Accordingly, the Commission should deny SWBT's Application for Review.

Respectfully submitted,
MCI TELECOMMUNICATIONS
CORPORATION



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August 28, 1997

⁷Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990)
(Northeast Cellular Telephone Co.).

⁸See 47 C.F.R. §1.115.

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on August 28, 1997.



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CERTIFICATE OF SERVICE

I, Barbara Nowlin, do hereby certify that copies of the foregoing MCI Opposition to Application for Review were sent via first class mail, postage paid, to the following on this 28th day of August, 1997.

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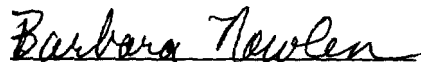
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